

USSN 10/820,090
Amendment dated 12/8/2005
Reply to Office Action of 09/09/2005

REMARKS/ARGUMENTS

Claims 1-17 are pending in the present application, and of these claims 9 and 13-17 stand allowed. Claims 1, 2, 10, and 11 stand rejected, and of these claims 1 and 10 are amended herein. It is noted that the second amendment of claim 10, adding "feed" in front of "collection area," is made for consistency of terms, and is not made in response to a patentability-based rejection.

Also, claim 3 is amended herein to add a period at the end of the sentence. This period was inadvertently omitted in the originally filed application.

After entry of the present amendments, claims 1-17 remain pending in this application.

A brief telephonic interview was conducted December 7, 2005 and a summary of this interview is provided in the following section.

Regarding amendments to the specification, Applicant has amended two paragraphs of the specification, not in response to any objection or rejection, in order to clarify and correct the specification. Because paragraph 043 first introduces "a feeding area 544," the first term in paragraph 045 is amended from "A feed area 544" to "The feeding area 544" to clarify that the paragraph 045 component is the same as the "feeding area 544" first introduced in paragraph 043. A second correction, of "feed" to "feeding" area 544 is made in paragraph 045. Also, it appears that "area" was inadvertently added to the term "feed trough 548" and this is removed in paragraph 045. Component 548 is a feed trough based on the definition and usage of that term in the specification. Finally, a minor typographical error is corrected in paragraph 053 by amending "collection" to "collect." The appropriateness of this correction is clear from a reading of the sentence. Entry of these amendments is respectfully requested. No new matter is added.

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Claim Rejections – 35 USC 103

Claims 1, 2, 10 and 11 stand rejected under 35 USC 103(a) as being unpatentable over Gunderson (6,257,170) in view of Goldman (3,095,852). As discussed in a brief telephonic interview between the Examiner and the undersigned on December 7, 2005, both Gunderson and Goldman are directed to aquatic culture systems, not systems for amphibious organisms, the latter not having culture containers filled with water. Notwithstanding such differences (and consequent relevance of these references), one distinction is that the feed collection area of the present invention is located on the floor of the container, rather than floating or being otherwise positioned at or near the top of a water column, as in Goldman (i.e., see Figures 2-5 of Goldman).

Accordingly, Applicant amends claims 1 and 10, to add the limitation that the feed collection area is on the floor of the container. The Examiner in the telephonic interview indicated that she, at the time of the interview, looked favorably on the proposed amendment to claim 1, however indicating that no finality of such decision was reached in the interview.

Consideration of these amendments, and withdrawal of such rejections, are respectfully requested. The Examiner has indicated that she would place a telephone call to the undersigned if the discussed claim amendment for claim 1 does not overcome the rejection.

Allowable Subject Matter

The Office action has stated that claims 3-8 and 12 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the respective base claims and any intervening claims. Applicant has amended claim 3 to add an inadvertently omitted period at the end of the claim sentence. No new matter is added. Apart from this minor amendment, not made in response to a patentability-based rejection, it is believed that the amendments made to claims 1 and 10 bring claims 3-8 and 12 into condition for allowance.

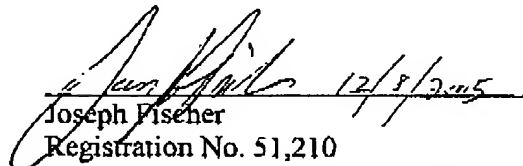
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Having placed all pending claims in condition for allowance, Applicant respectfully requests advancement of this application toward issuance.

The Examiner is invited to call the undersigned if clarification is needed on any aspects of this Reply/Amendment, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,


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